

From: Courtney Walton
To: Courtney Walton
Date: Thu, Feb 13, 2003 9:54 AM
Subject: Proposed FCC Changes Cost Consumers

Message sent to the following recipients:

Senator Frist

Representative Wamp

Message text follows:

Courtney Walton
5310 Village Garden Drive
Ooltewah, TN 37363

February 13, 2003

[recipient address was inserted here]

[recipient name was inserted here],

The Federal Communications Commission is considering taking actions that will restrict consumer choice by deregulating local phone service.

Millions of Americans like me could have their phone service threatened if the local phone companies aren't required to allow competitors access to the market. I'm also concerned about the Commission's move to relieve all broadband Internet access facilities of open access obligations.

Both of these key decisions will limit my choices as a consumer by lessening competition, diminishing cost savings and threatening consumer protections. As a constituent, I urge you to support competition and open access for local phone service.

Sincerely,

Courtney Walton

From: David A. Campbell
To: David A. Campbell
Date: Thu, Feb 13, 2003 8:37 PM
Subject: Proposed FCC Changes Cost Consumers

Message sent to the following recipients:

Senator McConnell
Senator Bunning
Representative Rogers
Message text follows:

David A. Campbell
54 fanny wynn br., Closplint, Ky
Closplint, KY 40927

February 13, 2003

[recipient address was inserted here]

[recipient name was inserted here],

The Federal Communications Commission is considering taking actions that will restrict consumer choice by deregulating local phone service.

Millions of Americans like me could have their phone service threatened if the local phone companies aren't required to allow competitors access to the market. I'm also concerned about the Commission's move to relieve all broadband Internet access facilities of open access obligations.

Both of these key decisions will limit my choices as a consumer by lessening competition, diminishing cost savings and threatening consumer protections. As a constituent, I urge you to support competition and open access for local phone service.

Sincerely,

David A. Campbell

From: David C. Linscomb
To: David C. Linscomb
Date: Thu, Feb 13, 2003 8:33 PM
Subject: Proposed FCC Changes Cost Consumers

Message sent to the following recipients:

Senator Hutchison
Senator Cornyn
Representative Lampson
Message text follows:

David C. Linscomb
485 Giles
Beaumont, TX 77705

February 13, 2003

[recipient address was inserted here]

[recipient name was inserted here],

The Federal Communications Commission is considering taking actions that will restrict consumer choice by deregulating local phone service.

Millions of Americans like me could have their phone service threatened if the local phone companies aren't required to allow competitors access to the market. I'm also concerned about the Commission's move to relieve all broadband Internet access facilities of open access obligations.

Both of these key decisions will limit my choices as a consumer by lessening competition, diminishing cost savings and threatening consumer protections. As a constituent, I urge you to support competition and open access for local phone service.

Sincerely,

David C. Linscomb

From: David Carpentier
To: David Carpentier
Date: Thu. Feb 13, 2003 10:36 AM
Subject: Proposed FCC Changes Cost Consumers

Message sent to the following recipients:

Senator Dayton
Senator Coleman
Representative Kennedy
Message text follows:

David Carpentier
529 Hawthorn Rd.
Lino Lakes, MN 55014

February 13, 2003

[recipient address was inserted here]

[recipient name was inserted here],

The Federal Communications Commission is considering taking actions that will restrict consumer choice by deregulating local phone service.

Millions of Americans like me could have their phone service threatened if the local phone companies aren't required to allow competitors access to the market. I'm also concerned about the Commission's move to relieve all broadband Internet access facilities of open access obligations.

Both of these key decisions will limit my choices as a consumer by lessening competition, diminishing cost savings and threatening consumer protections. As a constituent, I urge you to support competition and open access for local phone service.

Sincerely,

David E. Carpentier

From: David Chen
To: Commissioner Adelstein
Date: Thu, Feb 13.2003 11:03 PM
Subject: Comments to the Commissioner

David Chen (dc_annon@yahoo.com) writes:

Dear Commissioner Adelstein

With the FCC Triennial Review postponed until next week, I am concerned that line sharing may be eliminated. Doing so will only lead to less choice and competition and higher prices for broadband services to consumers and small business owners like myself.

I urge you to continue line sharing of the last mile

Sincerely,

David A. Chen

Server protocol: HTTP/1.1
Remote host: 66.167.46.223
RemoteIP address: 66.167.46.223

From: David S. Isenberg
To: Mike Powell, Kathleen Abernathy, Michael Copps, Kevin Martin, Commissioner Adelstein
Date: Thu, Feb 13, 2003 8:33 AM
Subject: Corrected version: Preserving line sharing

The Honorable Michael K. Powell
Chairman
Federal Communications Commission
445 12th Street SW
Washington, DC 20054

A corrected version of my February 6, 2003 letter
(Corrections made primarily to last paragraph.)

Re: Triennial Review of the Commission's Unbundling Rules
CC Docket **Nos.** 96-98, 98-147, 01-338
Subject: Line Sharing

Dear Chairman Powell,

I'm writing to you as a U.S. citizen, un beholden to ILEC, CLEC, ISP, cableco, equipment manufacturer, or system integrator, who would like to see the benefits of technology and architecture improvements, such as those reflected in Moore's Law and The End-to-End Principle, realized for the benefit of all U.S. citizens.

Recently, I co-signed a letter asking you to forbear from any FCC action that would slow down what we see as the slow-motion failure of the ILECs. **Now**, before the Triennial Review comment period ends, I'd like to address another topic that came up in a recent discussion with your Special Policy Advisor, Jon Cody.

The issue is line sharing. I sympathize with competitive DSL providers who need access to ILEC local loops, but the issue is much, much larger. Fiber-to-the-home (FTTH) will soon be common in the United States; while the absolute number of FTTH homes is small, it grew at over 100% last year and this year.

Each fiber affords DC-to-daylight bandwidth. With currently available technology, a single fiber can carry **40** gigabits on each of 40 wavelengths; theoretically, the entire busy hour throughput of conventional U.S. telephony could be carried on two fibers. Looking at fiber capacity another way, 100 Mbit/s FTTH can be installed for a capital expenditure of US\$600 to \$3000 per home. Within a few years gigabit, and then 10 gigabit, fiber interfaces will be equally affordable.

In other words, where fiber exists, there is a lot to share.

Once fiber exists in a neighborhood, there is no economic

reason to install a second fiber cable -- one cable, even one fiber, can literally carry everything. My concern is that if owners of newly installed fiber are not required to treat all potential users fairly -- that is, if there is not some form of line sharing, or perhaps a more radical form of structural separation -- the owner of the fiber could use the economic power inherent in the fiber's capacity to exclude other facilities-based competitors, e.g., with cut-throat underpricing. At the same time, the fiber owner would have powerful motivation to control its use via "commercial arrangements" regarding access. It is not difficult to imagine a new robber-baron scenario.

The ILECs have promised investment in advanced network technology in return for rate relief. But this is not a new promise, and the ILEC trail of broken promises is well-worn. I urge you to resist calls to weaken or eliminate line sharing, to be cognizant that changes in line sharing regulations for copper loops could set a dangerous precedent for fiber, and to resist proposals like that of Commissioner Martin's, which would have the FCC forbear from any regulation of new fiber.

Sincerely,

David S. Isenberg
isen@isen.com
203-661-4798

-----isen.com-----
David S. Isenberg isen@isen.com
isen.com. inc. 888-isen-com (inside US)
http://isen.com/ 203-661-4798 (direct line)
-----isen.com-----
 -- The brains behind The Stupid Network --
-----isen.com-----

CC: Jon Cody, Robert Pepper, Robert Cannon

From: Deborah Smith
To: Deborah Smith
Date: Thu, Feb 13, 2003 5:10 PM
Subject: Proposed FCC Changes Cost Consumers

Message sent to the following recipients:

Senator Feinstein
Senator Boxer
Representative Lantos
Message text follows:

Deborah Smith
1848 castro st
san francisco, CA94131-1819

February 13, 2003

[recipient address was inserted here]

[recipient name was inserted here],

Hello! Thank you for taking the time to note my comments below. Although the text may be the same or quite similar to others that you receive, please understand that I agree with the text as it stands (or I'd have altered it).

As you are aware, the Federal Communications Commission is considering taking actions that will restrict consumer choice by deregulating local phone service.

I, you, and millions of our fellow Americans could have our affordable, competitive phone service threatened if the local phone companies arent required to allow competitors access to the market. Im also concerned about the Commissions move to relieve all broadband Internet access facilities of open access obligations.

Both of these key decisions will limit my choices as a consumer by lessening competition, diminishing cost savings and threatening consumer protections. As a constituent, I strongly request that you lend your support for protecting open access (and fair market competition) for local phone service.

Best Regards,

Deborah Smith

From: DENISEWILLIS
To: Brent Olson, Christopher Libertelli, Daniel Gonzalez, Eric Einhorn, Commissioner Adelstein, Jeffrey Carlisle, Jeremy Miller, Jordan Goldstein, Kathleen Abernathy, KM KJMWEB, Lisa Zaina, Matthew Brill, Michelle Carey, Michael Copps, Mike Powell, Richard Lerner, Robert Tanner, Scott Bergmann, Thomas Navin, William Maher
Date: Thu, Feb 13, 2003 3:05 PM
Subject: Triennial Review of Unbundled Network Elements Ex-Parte

Sent on behalf of David Bergmann:

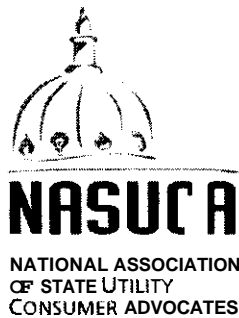
Attached please find a cover letter and ex-parte communication in the Triennial Review of Unbundled Network Elements, WCB Docket 01-338 filed with the FCC today, Thursday, February 13, 2003.

Denise Willis
Case Team Assistant
(614) 466-1311

CONFIDENTIALITY NOTICE:

THIS COMMUNICATION IS INTENDED ONLY FOR THE PERSON OR ENTITY TO WHICH IT IS ADDRESSED AND MAY CONTAIN CONFIDENTIAL AND/OR PRIVILEGED LEGAL GOVERNMENTAL MATERIAL. ANY UNAUTHORIZED REVIEW, USE, DISCLOSURE OR DISTRIBUTION IS PROHIBITED. IF YOU ARE NOT OR BELIEVE THAT YOU ARE NOT THE INTENDED RECIPIENT OF THIS COMMUNICATION, DO NOT READ IT. PLEASE REPLY TO THE SENDER ONLY AND INDICATE THAT YOU HAVE RECEIVED THIS MESSAGE, THEN IMMEDIATELY DELETE IT AND ALL OTHER COPIES OF IT. THANK YOU.

CC: DAVID BERGMANN



January 28,2003

**NOTICE OF *EX PARTE*
PRESENTATION**

February 13,2003

**Ms. Marlene Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Room TW B204
Washington, DC 20554**

**Re: Section 251 Unbundling Obligations of Incumbent Local Exchange Carriers;
Implementation of the Local Competition Provisions of the Telecommunications
Act of 1996; Deployment of Wireline Services Offering Advanced
Telecommunications Capability**

CC Docket Nos. 01-338, 96-98, 98-147

Dear Ms. Dortch:

Please be advised that on February 13, 2003, Robert S. Tongren, Ohio Consumers' Counsel, President of the National Association of State Utility Consumer Advocates ("NASUCA"¹), e-mailed a letter to Chairman Michael K. Powell and Commissioners Kathleen Q. Abernathy, Jonathan S. Adelstein, Michael J. Copps and Kevin J. Martin. The letter was also e-mailed to the members of the FCC Staff listed below. In accordance with 47 C.F.R. § 1.1206(b)(1), this notice of Ex Parte Presentation and a copy of the letter are being filed with you electronically for inclusion in the public record. If you have any questions, please contact me at bergmann@occ.state.oh.us or (614) 466-9559.

Sincerely,

David C. Bergmann
Assistant Consumers' Counsel
Chair, NASUCA Telecommunications
Committee

cc: Scott Bergmann
Matthew Brill
Michelle Carey
Jeff Carlisle
Eric Einhom
Daniel Gonzalez
Jordan Goldstein
Rich Lerner
Christopher Libertelli
William F. Maher
Jeremy Miller

¹ NASUCA is an association of 42 consumer advocates in 40 states and the District of Columbia. NASUCA's members are designated by the laws of their respective states to represent the interests of utility consumers before state and federal regulators and in the courts. See, e.g., Ohio Rev. Code Chapter 4911.

Thomas Navin
Brent Olson
Robert **Tanner**
Emily Willeford
Lisa Zaina



February 13, 2003

Michael K. Powell, Chairman
Commissioner Kathleen Q. Abernathy
Commissioner Jonathan S. Adelstein
Commissioner Michael J. Copps
Commissioner Kevin J. Martin
Federal Communications Commission
445 12th St., SW
Washington, DC 20554

Re: *Triennial Review of Unbundled Network Elements*
WCB Docket No. 01-338, *ex parte* communication

Dear Chairman Powell and Commissioners:

As your deliberations in this proceeding continue, the National Association of State Utility Consumer Advocates ("NASUCA")¹ recommends that you give serious consideration to the proposals contained in the February 6, 2003 *ex parte* of the National Association of Regulatory Utility Commissioners ("NARUC"). The NARUC proposals provide a solid basis for the Commission to continue the course directed by the Supreme Court in *Verizon v. FCC*² while responding to the remand from the D.C. Circuit Court of Appeals in *USTA v. FCC*.³ As noted by NARUC, its proposal -- which properly places significant responsibility on the states for the granular analysis of local conditions stemming from *USTA* -- is likely to be upheld in the almost inevitable appeals from Commission's decision in these proceedings.

There is, however, one significant respect in which NASUCA would expand on the NARUC proposal. The NARUC proposal does not adequately consider the importance of the unbundled network element platform ("UNE-P"). As discussed in detail in several recent NASUCA filings: the requirement that incumbent local exchange carriers ("ILECs") lease the UNE-P has led to a significant portion of the residential and small business local exchange competition currently experienced by the consumers represented by NASUCA members. For example, in Ohio, SBC Ohio acknowledges that 240,000 of the 260,000 CLEC residential lines in its territory -- or 92% -- are sewed through the UNE-P.

The record clearly shows the difficulties and costs of transitioning away from the UNE-P for mass-market customers, which proves that provision of competitive local service to residential and small business customers is impaired without the UNE-P. Thus

¹ NASUCA is an association of 42 consumer advocates in 40 states and the District of Columbia. NASUCA's members are designated by the laws of their respective states to represent the interests of utility consumers before state and federal regulators and in the courts.

² *Verizon Communications Inc. v. FCC*, 535 U.S. 461, 122 S. Ct. 1646, 1661, 152 L. Ed.2d 701 (2002).

³ *USTA v. FCC*, 290 F.3d 415 (D.C. Cir. 2002).

8300 Colesville Road, Suite 101 Silver Spring, MD 20910
 Internet address www.nasuca.org E-mail nasuca@nasuca.org
 Telephone 301-589-6313 Facsimile 301-589-6380

⁴ See NASUCA's January 21, 2003 *ex parte*, the study attached to the January 21 *ex parte*, NASUCA's December 16, 2002 *ex parte* and the NASUCA Resolution attached to the December 16 *ex parte*.

the UNE-P (the specific combination of the local loop, local switching and interoffice transport that is integral to ILEC provision of local service) must continue to be available to competitive local exchange carriers ("CLECs").

In essence, the availability of the combination UNE-P can be seen **as** a distinct issue from the availability of the individual elements -- loop, switching and transport. Based on record evidence, NASUCA would recommend adding to NARUC's proposed presumptions a presumption which holds that in all zones, the UNE-P should remain on the national list of methods available to provide service to mass market customers. States should be able to craft their own models for dealing with UNE issues, and in doing so should have the broadest range of tools -- including the UNE-P.

Deleting the UNE-P from the list of unbundled network elements -- whether by removing local switching from the unbundling requirements **or** by some other means -- would leave residential and small business customers with no choice **other** than to **return** to the ILEC for local service. This would significantly undermine, if not eliminate, the initial competitive efforts -- like those in Ohio -- through which competitors are at last making inroads into the ILECs' century-old monopoly power. It would also be an unjust and unreasonable step in the direction towards unregulated monopolies, contrary to the **1996** Act and the policies of this Commission.

As NASUCA stated in the December **16,2002** *ex parte*:

Residential and small business customers have a real **stake** in the outcome of this proceeding. **We** were promised the benefits of the **1996** Act; we have only lately seen some of those benefits; and we remain ... susceptible [to] ILEC monopoly power or market dominance.

Now is not the time to pull the rug out from under the emerging competitive marketplace by eliminating the **UNE-P**. NASUCA appreciates the Commission's consideration of the interests of residential and small business customers.

Yours truly,

Robert S. Tongren
Ohio Consumers' Counsel
President, National Association of State Utility
Consumer Advocates

David C. Bergmann
Assistant Ohio Consumers' Counsel
Chair, NASUCA Telecommunications Committee

cc: Scott Bergmann
Matthew Brill
Michelle Carey
Jeff Carlisle
Eric Einhom
Jordan Goldstein
Daniel Gonzalez
Rich Lerner
Christopher Libertelli
William F. Maher
Jeremy Miller
Thomas Navin
Brent Olson
Robert Tanner
Bryan Tramont
Emily Willeford
Lisa Zaina

From: district35@sov.state.va.us
To: Commissioner Adelstein
Date: Thu, Feb 13.2003 11:50 AM
Subject: UNE-P

Please see attached letter from Senator Richard Saslaw, Minority Leader,
Senate of Virginia.

(See attached file: Adelstein.doc)

Janet Muldoon
Legislative Assistant
District 35
Senate of Virginia



February 13, 2003

Dear Commissioner Adelstein:

My constituents who are consumers of local phone services, and for that matter nearly all Virginians, have been waiting seven years to get the lower prices and expanded services that were supposed to come when the Telecom Act of 1996 declared the Bell companies' regional monopolies open to competition. Now, just as local phone competition is beginning to take hold in some states and consumers are receiving tangible benefits, it looks like the FCC is ready to pull the rug out from under wide-spread competition and actually strengthen Verizon's monopoly.

This would happen if new rules were promulgated that overturn the Telecom Act requirement that the Bells offer competitors access to the unbundled network elements platform (UNE-P) at reasonable wholesale rates under reasonable terms and conditions. As you know, this leasing arrangement has facilitated virtually all of the non-business local phone competition that's taken root so far. Consumers in many states now enjoy lower phone prices and better value because of the availability of UNE-P. We want this in Virginia, but it will not happen in our lifetimes if the FCC kills these network-leasing requirements and stifles competition along with it. And while CATV does offer the prospect of an alternative to Verizon's services, the cable industry continues to aggressively pursue bundled services that include telephone as part of an entertainment package, but for obvious reasons do not appeal to all Virginians. First prospective customers must have cable access, then they must be able to afford the bundle of services: continuation of UNE-P does not impose these restrictions/pre-conditions on the consumer.

Sincerely,

Richard L. Saslaw
Minority Leader
Senate of Virginia

From: Donald Krafl
To: Donald Krafl
Date: Thu, Feb 13, 2003 11:45 AM
Subject: Proposed FCC Changes Cost Consumers

Message sent to the following recipients:

Senator Breaux
Senator Landrieu
Representative Baker
Message text follows:

Donald Krafl
212 Summer Ridge Drive
Baton Rouge, LA 70810

February 13, 2003

[recipient address was inserted here]

[recipient name was inserted here],

The Federal Communications Commission is considering taking actions that will restrict consumer choice by deregulating local phone service.

Millions of Americans like me could have their phone service threatened if the local phone companies aren't required to allow competitors access to the market. I'm also concerned about the Commission's move to relieve all broadband Internet access facilities of open access obligations.

Both of these key decisions will limit my choices as a consumer by lessening competition, diminishing cost savings and threatening consumer protections. As a constituent, I urge you to support competition and open access for local phone service.

Sincerely,

Donald Krafl

From: Dorr, Lynda PSC
To: Mike Powell, Kathleen Abernathy, Michael Copps. KM KJMWEB, Commissioner Adelstein
Date: Thu, Feb 13, 2003 9:30 AM
Subject: FW: e-mail to FCC commissioners

February 12, 2003

VIA ELECTRONIC MAIL

Chairman Michael K. Powell

Commissioner Kevin J. Martin

Commissioner Kathleen Q. Abernathy

Commissioner Michael J. Copps

Commissioner Jonathon S. Adelstein

Federal Communications Commission

Re: Review of the Section 251 Unbundling Obligations of Incumbent Local Exchange Carriers, Notice of Proposed Rulemaking, CC Docket No. 01-338

Dear Commissioners:

We appreciate this opportunity to contribute to your deliberations on the FCC Triennial Review. We expect the outcome of this complex proceeding will have lasting effects on the telecommunications industry that hopefully will ensure sustainable competition in all markets across geographic and product lines. The Telecommunications Act of 1996 established shared responsibility between the states and the FCC for the implementation of the law. Accordingly, we appreciate your individual efforts to work carefully through the issues and to seek state commissioners' recommendations regarding the availability of unbundled network elements (UNEs).

We endorse the proposal submitted by NARUC on February 6, 2003, and encourage you to give it considerable weight in your deliberations. The guiding principles recently proposed by NARUC would foster sustainable competition and efficient investment in the telecommunications sector. In particular, we urge you to ensure that any removal of UNEs used to provide mass market consumer services involve reasonable transition periods with state commission oversight. This would allow state commissions to smooth regulatory transitions and hopefully avoid any unnecessary service disruptions to consumers and telecommunications providers.

Thank you again for the opportunity to provide comments on these important issues. Please contact us if we can be of further assistance.

Sincerely,

Chairperson Burneatta Bridge

Commissioner Ave Bie

Commissioner Robert Garvin

CC: Bridge. Burnie PSC, Bie. Ave PSC. Garvin. Bert PSC. jramsay@naruc.org

o

From: Edwards, Gary
To: Commissioner Adelstein
Date: Thu, Feb 13, 2003 2:34 PM
Subject: Line Sharing

Please keep line sharing as is.

Eliminating line sharing will lead to ~~less~~ choice and competition, and higher prices for consumers and small business for broadband services.

It also would slow the penetration of broadband services across the country delaying key benefits that can help the economy

Thank You

Gary Edwards

From: EfflerInv@aol.com
To: Commissioner Adelstein, Mike Powell, KathleenAbernathy, Michael Copps, KM
KJMWEB
Date: Thu, Feb 13, 2003 6:11 AM
Subject: line sharing

Please continue line sharing for high speed Internet. (DSL)

Don't give this back to the Bells.

1) The Bells made their agreement with Senator Hollings, in exchange for long distance.

2) Very bad for the country and broadband to return that competitive advantage to the Bells.

3) Keep the last mile open.

If you give control of last mile to the Bells, you can say good-bye to residential broadband...and growth. Which will have a direct effect on home based business....a trend in this country, which helps parents take care of their children instead of day care. DSL will be priced out of range. Haven't you learned by now the Bells have no integrity? What ever empty promises they may give you, won't be kept or enforced by you or any other future Chairman or Commissioners regardless of your admirable intentions.

I do not want the Bells to have a competitive advantage, or monopoly to my house or business

Thank you for reading this mail.

This is a historic time. How do you want history to view you during the time of broadband and the Internet revaluation? As an American, or an extension of the Bell office.

Please do the right thing...not the Bell thing.

Respectfully,
American, Tax payer, Voter, concerned citizen
Randall Effler

From: eleastlansing <eleastlansing@yahoo.com>
To: Commissioner Adelstein
Date: Thu, Feb 13, 2003 8:24 AM
Subject: keep line sharing

We must keep line sharing and State PUC oversight of TELRIC pricing and implementation. It is good for competition.

Dan Bakita